

**REMARKS****Summary of the Office Action**

Claims 1, 6-9 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,142,393 to Okumura et al. (hereinafter "Okumura") in further view of U.S. Patent No. 5,982,464 to Wang et al. (hereinafter "Wang"), U.S. Patent No. 6,320,629 to Hatano et al. (hereinafter "Hatano") and U.S. Patent No. 6,351,298 to Mitsui et al. (hereinafter "Mitsui"). Claims 2-5 and 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form.

**Rejections under 35 U.S.C. § 103(a)**

Claims 1, 6-9 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okumura in further view of Wang, Hatano and Mitsui. Independent claim 1 has been amended to incorporate the limitations of claim 2, which has been indicated as including allowable subject matter. Similarly, independent claim 9 has been amended to incorporate the limitations of claim 10, which has also been indicated as including allowable subject matter. Accordingly, dependent claims 2 and 10 have been deleted without prejudice or disclaimer. In light of the deletion of claims 2 and 10, dependent claims 3 and 11 have been amended to now be dependent on claims 1 and 9, respectively.

As a result, Applicant respectfully submits that the rejections under 35 U.S.C. § 103(a) have been rendered moot by these amendments to independent claims 1 and 9. Accordingly, independent claims 1 and 9 are now in prima-facie condition for allowance.

Furthermore, Applicant respectfully asserts that dependent claims 6-8 and 16-18 are allowable at least because of their dependence from independent claims 1 or 9, and the reasons set forth above. The Examiner is thanked for the indication that claims 2-5 and 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. In light of the foregoing discussion, Applicant respectfully requests that the objections to these claims now be withdrawn as all pending claims are currently in condition for allowance.

### **CONCLUSION**

In view of the foregoing remarks, Applicant respectfully requests the entry of this Amendment to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Accordingly, Applicant requests the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required,

including any required extension of time fees, or credit any overpayment to Deposit Account

50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR**

**EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: February 12, 2004

By:



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